

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:17-CV-202-MOC-DCK**

ROBERT PAYNE,

Plaintiff,

v.

**MERCK SHARP & DOHME CORP.,
MERCK & CO., INC., and MCKESSON
CORPORATION,**

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT *sua sponte* regarding the filing of “Defendants Merck & Co., Inc. And Merck Sharp & Dohme Corp.’s Motion To Dismiss Plaintiff’s Claims For Fraudulent Misrepresentation, Negligent Misrepresentation, And Consumer Fraud” (Document No. 10).

In accordance with Roseboro v. Garrison 582 F.2d 309 (4th Cir. 1975), the Court again advises Plaintiff, who is proceeding *pro se*, that he has a right to respond to Defendants’ motion. See (Document No. 13). The Court also advises Plaintiff that failure to respond will likely result in Defendants being granted the relief they seek, that is, the dismissal of the Complaint.

IT IS, THEREFORE, ORDERED that Plaintiff shall file a response to the pending “Defendants Merck & Co., Inc. And Merck Sharp & Dohme Corp.’s Motion To Dismiss Plaintiff’s Claims For Fraudulent Misrepresentation, Negligent Misrepresentation, And Consumer Fraud” (Document No. 10) on or before **February 1, 2018**. Failure to file a timely and persuasive response will likely lead to the dismissal of this lawsuit.

SO ORDERED.

Signed: January 12, 2018

